



CITY COUNCIL
ATLANTA, GEORGIA

RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE **UPN R -1670**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF JAVEN WALKER, JAHIEL WALKER, AND JULIE ANN ROSARIO WALKER in the case styled JAVEN WALKER and JAHIEL WALKER in their capacity as Minor Children of Claudus Wayne Walker, by their Mother and Natural Guardian, Julie Ann Rosario Walker, and JULIE ANN ROSARIO WALKER, individually and as Personal Representative of the Estate of Claudus Wayne Walker, Deceased, CASE NUMBER 1:00CV-1057MHS, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF FIVE HUNDRED AND TWENTY FIVE THOUSAND DOLLARS (\$525,000.00); AND FOR OTHER PURPOSES.

WHEREAS, on April 25, 2000, the Plaintiffs initiated the case of Javen Walker, et al., v. City of Atlanta, et al., pursuant to 42 U.S.C. §§ 1983 and 1988, as well as several state law claims; and

WHEREAS, the Plaintiffs' lawsuit stems from an incident which occurred on May 2, 1998 at approximately 2:50 a.m. when the deceased, Claudus Wayne Walker, (hereinafter, "Walker"), a federal inmate at the Atlanta Pre-Trial Detention Center experienced difficulty breathing; and

WHEREAS, Officer Tiffany Hall, (hereinafter, "Hall"), immediately notified Collette Dozier, (hereinafter, "Dozier"), who was the nurse on duty at the Atlanta Pre-trial Detention Center, that Walker in the Federal Annex was experiencing difficulty breathing; and

WHEREAS, at approximately 3:03 a.m., Nurse Dozier examined the inmate and determined that his chest sounds were clear and without wheezing; inquired regarding Walker's use of his inhaler and properly instructed him on its use; and although Walker continued to hyperventilate and appear extremely anxious, he did not appear to have difficulty breathing; Dozier nevertheless decided to transport Walker to Grady Hospital; and



WHEREAS, during the time Dozier prepared to have Walker transferred, his condition rapidly deteriorated; and

WHEREAS, Pre Trial Detention employees including Nurse Dozier immediately called 911 and initiated CPR; and

WHEREAS, emergency personnel from Grady Hospital arrived to provide medical treatment; and

WHEREAS, notwithstanding the efforts to save his life; Walker was pronounced dead on arrival at the hospital; and

WHEREAS, the autopsy determined the cause of death to be acute asthma attack; and

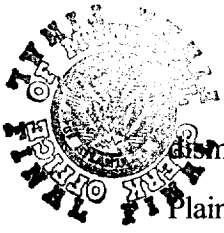
WHEREAS, after the incident, the Internal Affairs Office of the Department of Corrections conducted an administrative review of the in custody death, which included a review of the medical care provided to the inmate as well the non medical aspects of the incident; and

WHEREAS, the review did not find that any custom, policy, practice of the City of Atlanta Pre Trial Detention Center had been violated; and

WHEREAS, Plaintiffs allege damages as a result of the incident, which include violation of Walker's Eighth Amendment rights and allegedly wrongful death, pain and suffering and attorneys' fees; and

WHEREAS, the case has been vigorously litigated and defended by the Law Department; and

WHEREAS, by Order dated June 20, 2001, United States District Judge Marvin S. Shoob



dismissed the City, finding that the City of Atlanta was entitled to summary judgement because the Plaintiffs could not prove a policy, custom or practice which lead to a violation of his constitutional rights; and

WHEREAS, after an extensive mediation was held in an effort to reach a compromise in this matter, counsel for the parties agreed to settle all claims in this matter for \$525,000.00, including attorney's fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, by this settlement, Defendants admit no liability; and

WHEREAS, the offer of settlement acceptable to the Plaintiffs is, in the opinion of the City Attorney, appropriate to settle all claims against the Defendants arising out of the case of Javen Walker, et al., v. City of Atlanta, et al.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude settlement of all claims against all Defendants arising out of the lawsuit filed by the Plaintiffs in the United States District Court, as set forth in Civil Action Number: 1:00-CV-1057-MHS.

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Five Hundred and Twenty Five Thousand Dollars (\$525,000.00) at the direction of the City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of three checks in the following amounts:

- 1) \$100,000.00 payable to Farmer's Insurance Group to purchase an annuity for Javen Walker, a minor;
- 2) \$100,000.00 payable to Farmer's Insurance Group to purchase an annuity for Jaheil Walker, a minor;



3) \$325,000.00 payable to Julie Ann Rosario Walker and Craig Jones, her attorney.

Such payments will be in full consideration of all claims against all defendants.

A true copy,

Phonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

OCT 15, 2001

OCT 24, 2001

RCS# 3213
10/15/01
5:47 PM

Atlanta City Council

Regular Session

01-R-1670 \$525,000 for claims of Javen Walker,
 Jahiel Walker & Julie Ann Rosario Walker
 ADOPT

YEAS: 9
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

NV McCarty	Y Dorsey	N Moore	Y Thomas
Y Starnes	N Woolard	Y Martin	Y Emmons
NV Bond	NV Morris	Y Maddox	NV Alexander
Y Winslow	N Muller	Y Boazman	Y Pitts

01-R-1670

(Do Not Write Above This Line)

A RESOLUTION BY THE PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS OF JAVEN
WALKER, JAHIEL WALKER, AND JULIE ANN
ROSARIO WALKER in the case styled JAVEN
WALKER and JAHIEL WALKER in their capacity as
Minor Children of Claudus Wayne Walker, by their
Mother and Natural Guardian, Julie Ann Rosario
Walker, and JULIE ANN ROSARIO WALKER,
individually and as Personal Representative of the Estate
of Claudus Wayne Walker, Deceased, CASE NUMBER
1:00CV-1057MHS, IN THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT
OF GEORGIA; TO CAUSE PAYMENT TO BE MADE
IN THE AMOUNT OF FIVE HUNDRED AND
TWENTY FIVE THOUSAND DOLLARS (\$525,000.00);
AND FOR OTHER PURPOSES.

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

ADOPTED BY
OCT 15 2001

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
OCT 15 2001

CERTIFIED
OCT 15 2001

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 24 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW